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Patent
Atty. Docket 266/186

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Neil H. Bander

Serial No.: 09/929,546

Filed: August 13, 2001

(Continuation of S.N. 09/357,708 (242/028))

For: TREATMENT AND DIAGNOSIS OF
CANCER

Group Art Unit: 1642

Examiner: Not yet assigned

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449 and copies are enclosed for the convenience of the Examiner.

Applicant directs the Examiner's attention to PCT Publication Nos. WO 99/43710 and WO 00/50457, both filed and published after the priority date of the instant application. At page 11, lines 22 to 24 of WO 99/43710 and page 14, lines 1-2 and page 30, lines 13 to 20 of WO 00/50457, the monoclonal antibody PEQ226 is recited as "generated by hybrid cell line ATCC Deposit #HB9131,

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

October 25, 2001
Date of Deposit
LA-212355.1

Felicia Reyes

Name of Person Mailing Paper

Signature of Person Mailing Paper

deposited June 24, 1986." Applicant's attorney contacted the ATCC on August 22, 2001 and was informed that the hybrid cell line was deposited under restriction and has not been released to the public. Also cited in the IDS are other references that mention monoclonal antibody PEQ226; Dillman R.O et al., "Human Anti-Mouse Antibody Response in Cancer Patients Following Single Low-Dose Injections of Radiolabeled Murine Monoclonal Antibodies", Cancer Biotherapy, 9(1):17-28 (1994); Dillman et al., "Toxicities associated with monoclonal antibody infusions in cancer patients." Molecular Biother, 1:81-85 (1988); Leung, J., et al., "Selection of a monoclonal antibody to a new prostate cancer marker for in vivo clinical trials" (abstract) 6th Int. Congr. Immunol., p. 516 (1986); and Wang et al., "Monoclonal Antibody Assays for Prostatic Tumor", Immunol Ser 39:195-219 (1988).

Applicant's submission of the items identified in this IDS is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR Section 1.97(h)), or even qualifies as "prior art" under 35 USC Section 102 with respect to the instant invention.

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b)(3), that is before the mailing of a first Office Action on the merits. Thus, counsel for applicant believes that no fee is due at this time. However, if counsel is mistaken, the Commissioner is authorized to charge counsel's deposit account no. 12-2475 for any fee that may be due, and/or to credit any overpayment.

Respectfully submitted,

LYON & LYON LLP

Dated: October 25, 2001

By: 

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Enclosures: Form PTO-1449 and copies of references cited therein